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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
05-10022

First named inventor: Randi L. Schindler (now Randi L. Black)

Application No.: 09/152,992

Art Unit: 3733

Filed: Sept. 14, 1998

Examiner: Brown, Michael A.

Title: PROSTHETIC DEVICE

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

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NOV 03 2005

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 750.000 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Renewed Pet to Revive Unintentionally Aban Appl. & Ver Res (identify type of reply):

- ☒ has been filed previously on March 28, 2005
☐ is enclosed herewith.

11/01/2005 NNGUYEN1 00000010 09152992

01 FC:2453

750.00 DP

B. The issue fee and publication fee (if applicable) of \$ _____

- ☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**


If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

 _____ Signature	<u>10/26/05</u> _____ Date
_____ David L. Hoffman Typed or printed name	_____ 32,469 Registration Number, if applicable
_____ 27023 McBean Pkwy., Ste. 422 Address	_____ (661) 775-0300 Telephone Number
_____ Valencia, CA 91355 Address	


- Enclosures: ☒ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☒ Other: Petition to Change Name of Inventor

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

<u>10/26/05</u> Date	 _____ Signature
<u>10/27/05</u> Date	
_____ David L. Hoffman Typed or printed name of person signing certificate	

PATENT
05-10022



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Randi L. Black (previously Randi L. Schindler)

Serial Number: 09/152,992

Examiner: Brown, Michael A.

Filed: 9/14/1998

Art Unit: 3733

For: PROSTHETIC DEVICE

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Commissioner for Patents
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OFFICE OF PETITIONS

**COMPINED RENEWED PETITION TO REVIVE
UNINTENTIONALLY ABANDONED APPLICATION AND
PETITION TO COMMISSIONER FOR NAME CHANGE OF
INVENTOR**

Dear Sir or Madam:

Further to the previously filed petition to revive, please note the following:

The inventor Ms. Randi L. Black (Ms. Schindler), whose declaration has been submitted ("Black Decl."), now also submits a Declaration and this Petition to Change the name of the inventor from her maiden name Ms. Schindler to her married name Ms. Black. The Declaration explains that marriage is how the name was officially changed. An Application Data Sheet and the fee of \$130 are also submitted herewith.

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR §1.137(b) was unintentional.

In addition, enclosed is a Petition and Petition fee, as requested by the Petitions Branch,, to revive the unintentionally abandoned application.

11/01/2005 HNGUYEN1 00000010 09152992

02 FC:1464

130.00 DP

Application No. 09/152,992

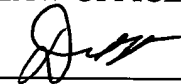
Combined Renewed Petition to Revive Unintentionally Abandoned
Application and Petition to Commissioner for Name Change of Inventor

Upon revival of the subject application, processing of the CPA and preliminary amendment are respectfully requested.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

LAW OFFICES OF DAVID L. HOFFMAN



David L. Hoffman
Reg. No. 32,469

Date: October 27, 2005

Encls.

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Application No. 09/152,992
Combined Renewed Petition to Revive Unintentionally Abandoned
Application and Petition to Commissioner for Name Change of Inventor




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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States

Postal Service as first class mail in an envelope addressed to:

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on 10/27/05
 10/27/05
David L. Hoffman, Reg. No. 32,469 Date